

**MAIN OFFICE:**  
 500 W. Cypress Creek Road  
 Suite 500  
 Fort Lauderdale, Florida  
 33309  
 Tel: 954.351.7474  
 Fax: 954.351.7475

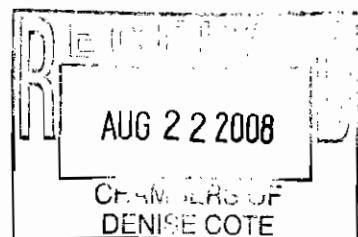
**PALM BEACH OFFICE:**  
 777 South Flagler Drive  
 Suite 800 - West Tower  
 West Palm Beach, Florida  
 33401  
 Tel: 561.659.3020  
 Fax: 561.515.6001

<http://www.500law.com>

*VIA FACSIMILE*

August 22, 2008

# MEMO ENDORSED



The Honorable Denise Cote  
 United States Courthouse  
 500 Pearl Street  
 Room 1040  
 New York, NY 10007

RE: S B Ice, Inc. v. MGN, LLC, et al  
Case No. 08-CIV-3164 (DLC)

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 8/25/08

Dear Judge Cote:

**ATTORNEYS:**  
 Michael I. Santucci  
 S. Tracy Long  
 Joseph V. Priore  
 Allen E. Bennett \*<sup>a</sup>

**OF COUNSEL:**  
 Francis X. Castoro, P.A.  
 Aaron M. Cohen, P.A. \*\*<sup>b</sup>

Pursuant to Your Honor's Pretrial Scheduling Order, the deadline for Plaintiff to file its Opposition to Defendants' Motion to Dismiss falls today. However, due to unexpected circumstances, Plaintiff will not be able to meet this deadline, for reasons as follows:

1. Plaintiff's counsel is located in South Florida. Monday, August 18, 2008, and Tuesday, August 19, 2008, South Florida was anticipating the impact of Tropical Storm Fay. All courts, as well as Plaintiff's counsel's office, were closed; and
2. Tuesday night, Plaintiff's counsel had a personal emergency, when his wife was hospitalized and to date has not yet been released. He has been out of the office at the hospital since Tuesday night. The entire time, he was not anticipating her hospital stay to be prolonged from day to day. He anticipated her release on Wednesday or Thursday, which would make him able to meet Your Honor's deadline. He is the only partner of this firm admitted *pro hac vice* in this matter.

While at a hospital, Plaintiff's counsel sent an email on Wednesday morning asking a staff member to attempt to ask another attorney at this firm to contact opposing counsel and request this extension earlier. However, the email was never received by the staff member.

Accordingly, it is respectfully requested that Your Honor extend Plaintiff's deadline to file its Opposition to Defendants' Motion to Dismiss. Plaintiff's counsel is requesting a three-day extension, in order to be able to return to his office and prepare same. Furthermore, Plaintiff does not object to an extension for Defendant's Reply caused due to the relief sought herein.

\* Registered Patent Attorney

<sup>a</sup> Admitted in Arkansas and the U.S. Patent and Trademark Office Only

<sup>b</sup> Also admitted in NJ  
 \* Also admitted in NY  
 \*\* Also admitted in DC

Plaintiff has contacted the Defendants to seek his consent to the relief sought herein, but has been unable to reach Defendants' counsel.

We thank you for your kind consideration of this request.

Sincerely,

**SANTUCCI, PRIORE & LONG, LLP**

By:

Joanna Lubczanska, Florida Registered Paralegal  
Signed in Michael I. Santucci's absence to avoid delay

MIS/jl

cc: Glenn A. Wolther (via facsimile without enclosures)

*Granted, much  
per force.  
Glenn A. Wolther  
August 25, 2008*